

### REMARKS

The presently claimed invention entails methods for selecting a treatment selecting a treatment for a patient suffering from a condition or disease. The methods entail determining whether the cells of the patient do or do not contain one or more specific variances in the methylenetetrahydrofolate reductase (MTHFR) gene.

Claims 1-3 have been cancelled. New claims 4 and 5 have been added. Support for these claims is found throughout the specification, e.g., in Table 10.

#### Rejections Under 35 U.S.C. §112, first paragraph (written description)

The Examiner rejected previously pending claims 1-3 as allegedly not supported by an adequate written description. Claims 1-3 have been cancelled.

New claims 4 and 5 are supported by an adequate written description. The claims are drawn to determining whether one or more of eight specific variances are present in the human MTHFR gene. Each of the eight variances is listed in Table 10 of the application. The role of MTHFR and other genes in folate metabolism are described in the specification at pages 115-130. Thus, the specification provides an adequate written description of the presently claimed invention.

#### Rejections Under 35 U.S.C. §102 (e)

The Examiner rejected previously pending claims 1-3 as allegedly anticipated by Rozen et al. (U.S. Patent 6,218,120 B1).

The present claims are drawn to methods which entail determining whether specific variances in the MTHFR gene are present or absent. Rozen et al. certainly suggests that variances in MTHFR may influence the response of certain patients to, e.g., methotrexate. Rozen et al discloses a number of MTHFR variances, and the numbering used by Rozen et al. for the MTHFR appears to differ from that used in the present application such that nucleotide 677 of Rozen et al.'s MTHFR sequence corresponds to nucleotide 668 of the MTHFR sequence of the present application. However, it does not appear that Rozen et al. discloses the specific

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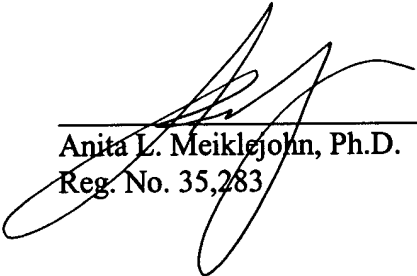
MTHFR variances recited in the present claims. Thus, Rozen et al. cannot anticipate any of the presently pending claims. In view of the forgoing, Applicant respectfully requests that the rejections under 35 U.S.C. §102(e) be withdrawn.

Conclusion

Applicant asks that all claims be allowed. Enclosed is a \$460.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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